

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Waste Management of Illinois
Prairie Hill Recycling &
Disposal Facility
Morrison, Illinois

FINDING OF VIOLATION

EPA-5-00-21-IL

Proceedings Pursuant to
the Clean Air Act,
42 U.S.C. §§ 7401 et seq.

FINDING OF VIOLATION

The United States Environmental Protection Agency finds that Waste Management of Illinois (Waste Management), as operator of Prairie Hill Recycling & Disposal Facility (Prairie Hill RDF) is violating Section 111(e) of the Clean Air Act, 42 U.S.C. § 7411(e). Prairie Hill RDF and Whiteside County Landfill are commonly owned by the County of Whiteside, and Waste Management operates Prairie Hill RDF. Waste Management, as operator of Prairie Hill RDF, is violating the Standards of Performance (NSPS) for Municipal Solid Waste Landfill at 40 C.F.R. Part 60, Subpart WWW. The bases for these findings are discussed more specifically below.

Regulatory Authority

1. The NSPS regulations for Municipal Solid Waste Landfills, codified at 40 C.F.R. Part 60, Subpart WWW, apply to Municipal Solid Waste (MSW) landfills that commenced construction, reconstruction or modification or began accepting waste on or after May 30, 1991. These regulations became effective on March 12, 1996.
2. The NSPS regulation at 40 C.F.R. § 60.2 defines "modification" as any physical change in, or change in the method of operation of, an existing facility which increases the amount of any air pollutant (to which a standard applies) emitted into the atmosphere by that facility or which results in the emission of any air pollutant (to which a standard applies) into the atmosphere not previously emitted.

3. The NSPS regulation at 40 C.F.R. § 60.751 defines "municipal solid waste landfill" or "MSW landfill" as an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. An MSW landfill may be a new MSW landfill, an existing MSW landfill, or a lateral expansion.
4. The NSPS regulation at 40 C.F.R. § 60.751 defines "lateral expansion" as a horizontal expansion of the waste boundaries of an existing MSW landfill. A lateral expansion is not a modification unless it results in an increase in the design capacity of the landfill.
5. The NSPS regulation at 40 C.F.R. § 60.751 defines "disposal facility" as all contiguous land and structures, other appurtenances, and improvements on the land used for the disposal of solid waste.
6. The NSPS regulation at 40 C.F.R. § 60.752(b)(2) requires the owner or operator of an MSW landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters and having a calculated NMOC emission rate equal to or greater than 50 megagrams per year to submit a collection and control system design plan prepared by a professional engineer to the Administrator within one year of calculating the NMOC rate.
7. The NSPS regulation at 40 C.F.R. § 60.757(c) requires that the owner or operator of an MSW landfill submit a collection and control system design plan prepared by a professional engineer to the Administrator within one year of the first report in which the emission rate exceeds 50 megagrams per year.
8. The NSPS regulation at 40 C.F.R. § 60.752(b)(2)(iii)(B) requires that the owner or operator of an MSW landfill subject to the requirements of 40 C.F.R. § 60.752(b)(2) shall route all the collected gas to a control system that complies with the requirements of 40 C.F.R. § 60.752(b)(2)(iii)(A), (B), or (C). Under the regulation at 40 C.F.R. § 60.752(b)(2)(ii), this control system must be installed within 18 months of the deadline for submittal of the collection and control system design plan required under 40 C.F.R. § 60.757(c) (i.e., within 30 months of the first report in which the emission rate exceeds 50 megagrams per year).

9. The control system described in the regulation at 40 C.F.R. § 60.752(b)(2)(iii)(B) is a control system designed and operated to reduce NMOC by 98 weight percent or reduce the outlet NMOC concentration to less than 20 parts per million by volume (ppmv) dry basis as hexane at 3 percent oxygen.
10. The regulation at 40 C.F.R. § 60.752(b)(2)(iii)(B) requires that the reduction efficiency or ppmv shall be established by an initial performance test required under 40 C.F.R. § 60.8 using the test methods specified in 40 C.F.R. § 60.754(d).
11. The regulation at 40 C.F.R. § 60.8(a) requires that the owner or operator of a facility subject to NSPS (e.g., the control system described at 40 C.F.R. § 60.752(b)(2)(iii)(B)) shall conduct a performance test within 180 days after initial startup of the facility, and shall furnish U.S. EPA with a written report of the results of such performance tests.
12. The NSPS regulation at 40 C.F.R. § 60.754(d) requires that Method 25 or Method 18 be used to determine the compliance with 98 weight percent efficiency or the 20 ppmv outlet concentration, unless another method to demonstrate compliance has been approved by the Administrator.

FACTUAL BACKGROUND

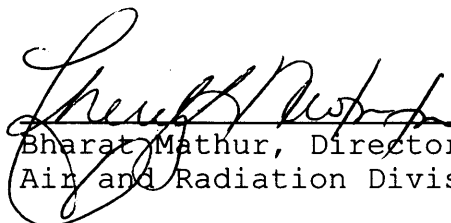
13. Prairie Hill RDF is operated by Waste Management, and is located at 18762 Lincoln Road, Morrison, Illinois.
14. Prairie Hill RDF is adjacent to and contiguous with the Whiteside Landfill.
15. The Whiteside County Landfill is a "municipal solid waste landfill" (MSW landfill) within the meaning of 40 C.F.R. §60.751.
16. Prairie Hill RDF and the adjacent Whiteside County Landfill are owned by the County of Whiteside.
17. Prairie Hill RDF is operated by Waste Management of Illinois which is located at 18762 Lincoln Road, Morrison, Illinois.
18. The adjacent Whiteside County Landfill is operated by the County of Whiteside.

19. Prairie Hill RDF has a maximum design capacity of 19.268 million megagrams or 21.638 million cubic meters. The Whiteside County Landfill has a design capacity of 1.42 million megagrams.
20. Prairie Hill RDF and Whiteside Landfill together have a design capacity in excess of 2.5 million megagrams or 2.5 million cubic meters.
21. Waste Management, the operator of Prairie Hill RDF, filed its initial design capacity report and its initial NMOC emission rate report with Illinois Environmental Protection Agency on June 3, 1996.
22. Prairie Hill RDF had an NMOC emission rate of 35.22 megagrams per year in 1997.
23. The opening of Prairie Hill RDF, which began accepting municipal solid waste in August 1996, was a lateral expansion of the Whiteside County Landfill that resulted in an increase in the design capacity of the Whiteside County Landfill, and hence was a "modification" of the Whiteside County Landfill within the meaning of 40 C.F.R. § 60.2. Therefore, Prairie Hill RDF and the Whiteside County Landfill constitute a single MSW landfill within the meaning of 40 C.F.R. §60.751.
24. Whiteside County Landfill, the owner of Prairie Hill RDF and the Whiteside County Landfill, filed its initial design capacity report and its initial NMOC emission rate report for the Whiteside County Landfill with Illinois Environmental Protection Agency on September 13, 1996. The initial NMOC emission rate report indicated that the emission rate for the Whiteside County Landfill was 152 megagrams per year (167 tons per year). Therefore, Waste Management was required to submit a collection and emission control system design plan no later than September 13, 1997.
25. Waste Management, the operator of Prairie Hill RDF, was required to conduct an initial performance test to establish the reduction efficiency or ppmv of its control system using test Method 25 or Method 18 no later than March 10, 2000 (180 days after installation and operation of the collection and control system).
26. Waste Management, the operator of Prairie Hill, has submitted timely annual NMOC emission rate reports.

SPECIFIC FINDINGS OF VIOLATION

27. Waste Management, the operator of Prairie Hill RDF failed to submit a collection and emission control system design plan to the Administrator of U.S. EPA within one year of the first report in which the emission rate exceeds 50 megagrams per year, in violation 40 C.F.R. § 60.757(c).
28. Waste Management, the operator of Prairie Hill RDF, failed to conduct an initial performance test to establish the reduction efficiency or ppmv of its control system using test Method 25 or Method 18 by March 10, 2000, in violation of 40 C.F.R. §§ 60.752(b)(2)(iii)(B) and 60.754(d).

Date

8/3/00
Bharat Mathur, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Finding of Violation, No. EPA-5-00-IL-21, by Certified Mail, Return Receipt Requested, to:


Mike Wiersema, District Manager
Waste Management of Illinois
Prairie Hill Recycling & Disposal Facility
18762 Lincoln Road
Morrison, Illinois 61270

I also certify that I sent copies of the Finding of Violation by first class mail to:

David Asselmeier, Acting Section Manager
Compliance and Systems Management Section
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702

Harish Narayen, Acting Regional Manager
Region 1
Illinois Environmental Protection Agency
1701 First Avenue - Suite 1202
Maywood, Illinois 60153

on the 4th day of August, 2000.


Betty Williams, Secretary
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 2199026432